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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

*Submit an original, and a duplicate for fee processing
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))*

CHECK BOX, if applicable
[] DUPLICATE

Address to: Assistant Commissioner for Patents Box CPA Washington, D.C. 20231	Atty. Docket No.: <u>HYB2571P0011US</u> First Named Inventor: <u>Bradfield et al.</u> Express Mail Label No.: <u>EL326234301US</u> Total Pages: <u>3</u>
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This is a request for a ☒ continuation or a ☐ divisional application under 37 CFR §1.53 (d), (continued prosecution application (CPA)) of prior application number 08/855,402.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either (1) complete as defined by 37 CFR §1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. §371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. §154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR §1.53(d), but must be filed under 37 CFR §1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. §1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. §122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. §1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application of applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. §120 and to every application assigned the application number identified in such request. 37 CFR 1.78(a).

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application..
2. ☐ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application: _____
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
 - ☐ PTO-1449
 - ☐ Copies of IDS Citations

CLAIMS	NUMBER FILED	NUMBER ALLOWED	NUMBER EXTRA	RATE	CALCULATIONS
Total Claims	17	- 20 =		x \$22.00 =	\$
Independent Claims	4	- 3 =	1	x \$82.00 =	\$82.00
Multiple Dependent Claims (if applicable) (37 CFR 1.16(d))				+ \$270.00 =	\$
				Basic Fee	\$760.00
				Total of above Calculations	\$842.00
				Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28)	\$
				TOTAL =	\$421.00

6. Small entity status:
- a. ☐ A small entity status is enclosed.
- b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.
7. ☒ The Commissioner is authorized to charge payment of the following amounts associated with this communication or credit any overpayment to Deposit Account No. 04-1644:
- | | | <u>Large Entity</u> | <u>Small Entity</u> |
|----|--|-------------------------------------|--|
| a. | <input type="checkbox"/> Extension for reply within first month | <input type="checkbox"/> \$ 110.00 | <input type="checkbox"/> \$ 55.00 |
| b. | <input type="checkbox"/> Extension for reply within second month | <input type="checkbox"/> \$ 380.00 | <input type="checkbox"/> \$190.00 |
| c. | <input type="checkbox"/> Extension for reply within third month | <input type="checkbox"/> \$ 870.00 | <input type="checkbox"/> \$435.00 |
| d. | <input checked="" type="checkbox"/> Extension for reply within fourth month | <input type="checkbox"/> \$1,380.00 | <input checked="" type="checkbox"/> \$680.00 |
| e. | <input type="checkbox"/> Additional filing fees or deficiencies in remittances therefor. | | |
| f. | <input type="checkbox"/> Additional processing fees or deficiencies in remittances therefor. | | |
| g. | <input type="checkbox"/> <u>ONLY if applicant has partially paid</u> the patent issue fee under 37 C.F.R. §1.18, then the <u>deficiency</u> shall be charged to the Deposit Account. | | |
8. ☒ A check in the amount of \$ 421.00 is enclosed.
9. ☐ New Attorney Docket Number, if desired _____
(Prior application Attorney Docket Number will carry over to this CPA **unless** a new number has been provided herein)
10. ☐ Receipt For Facsimile Transmitted CPA (PTO O/SB/29A).
☒ Return Receipt Postcard (Should be specifically itemized, see MPEP 503).
11. ☐ Other: _____

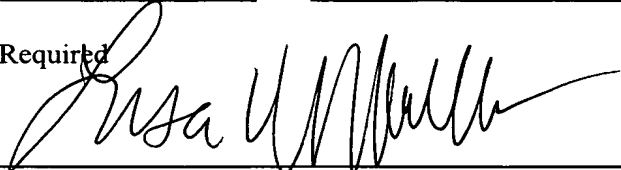
NOTE: The prior application's correspondence address will carry over to this CPA **UNLESS** a new correspondence address is provided below.

12. New correspondence address below:

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Country: _____ Telephone: _____ Fax: _____

13. Signature of Applicant, Attorney, or Agent Required

Date: August 3, 1999

By 
Lisa V. Mueller, Reg. No. 38,978

Correspondence Address
ROCKEY, MILNAMOW & KATZ, LTD.
Two Prudential Plaza
180 North Stetson, Suite 4700
Chicago, Illinois 60601
Telephone: (312) 616-5400
Facsimile: (312) 616-5460

CERTIFICATE OF EXPRESS MAIL

I hereby certify that this Continued Prosecution Application (CPA) Request Transmittal, and any other documents referred to as enclosed herein, are being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and addressed to Assistant Commissioner for Patents, BOX CPA, Washington, D.C. 20231.

EL326234301US

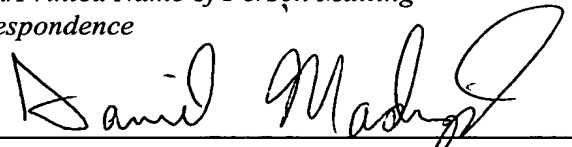
Express Mail Label No.

August 3, 1999

Date of Deposit

Daniel Madrigal

*Typed/Printed Name of Person Mailing
Correspondence*



Signature of Person Mailing Correspondence